

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
W/S Olivia Road, 293 ft. N of
c/l of Bogby Road
7130 Olivia Road
15th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-88-A

Terry L. Bates, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to a height of 20 ft. in lieu of the required 15 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Numerous letters in support of the accessory structure have been received from the Petitioners' immediate neighbors. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 16th day of Oct., 1991 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to a height of 20 ft., in lieu of the required 15 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. There shall be no service garage work performed within the garage or on the subject property at any time.

4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 11, 1991

Mr. and Mrs. Terry L. Bates
7130 Olivia Road
Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance
Case No. 92-88-A

Dear Mr. and Mrs. Bates:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-88-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7130 Olivia Road
Baltimore, Maryland
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. Insufficient space in the house for storage
2. No room for a work area
3. No basement
4. Limited closet space

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Terry L. Bates
AFFIANT (Handwritten Signature)
Terry L. Bates
AFFIANT (Printed Name)

Caroline J. Bates
AFFIANT (Handwritten Signature)
Caroline J. Bates
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of August, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Terry L. Bates and Caroline J. Bates

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 21, 1991
DATE
My Commission Expires: 12-1-91

ZONING DESCRIPTION

Beginning at a point on the west side of Olivia Road which is 50 feet wide at the distance of 293 feet north of the centerline of the nearest improved intersecting street, Bogby Road, which is 50 feet wide. *Being Lot #19, Block D, New Plot II in the subdivision of Cunningham Cove as recorded in Baltimore County Plat Book #44, Folio #19, containing 13,285 sq.ft. .3049 AC. Also known as 7130 and located in the #15 Election District, 5th Councilmanic District.

92-88-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15 Date of Posting: 10/11/91
Posted for: 10 days
Petitioner: Terry L. Bates and Caroline J. Bates
Location of property: 7130 Olivia Road, Baltimore, MD 21220
Location of Sign: 7130 Olivia Road, Baltimore, MD 21220
Remarks: None
Posted by: LES Date of return: 10/21/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6150
Number

Date

Please Make Check Payable to Baltimore County \$60.00
BA E00238PH08-30-91

Chief Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 11, 1991

Mr. and Mrs. Terry L. Bates
7130 Olivia Road
Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance
Case No. 92-88-A

Dear Mr. and Mrs. Bates:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-88-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.3 to allow an accessory structure (garage) a height of 20' in lieu of the required 15'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (Indicate hardship or practical difficulty)

1. Insufficient space in the house for storage
2. No room for a work area
3. No basement
4. Limited closet space

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 30 day of Aug, 1991, that the subject matter of this petition be posted on the property on or before the 15 day of Sept, 1991.

BY ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: _____ DATE: _____

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

By

112

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 3, 1991

Mr. & Mrs. Terry L. Bates
7130 Olivia Road
Baltimore, MD 21220

RE: Item No. 112, Case No. 92-88-A
Petitioner: Terry L. Bates, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Bates:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 30th day of August, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Terry L. Bates, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lings Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

SEPTEMBER 16, 1991

(801) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: TERRY L. BATES
Location: #7130 OLIVIA ROAD
Item No.: 112 Zoning Agenda: SEPTEMBER 10, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/REP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 21, 1991
Zoning Administration and Development Management

FROM: Robert W. Dowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. R 91-119.

For Item 106, comments will be made at the County Review Group meeting.

For Item 109, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

[Signature]
ROBERT W. DOWLING, P.E., C.E.
Developers Engineering Division

RWD:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
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Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lings Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 10, 1991

There are no comments for item numbers 81, 102, 103, 104, 109, 110, 111, 112 and 115.

[Signature]
Rahee J. Famili
Traffic Engineer II

RJF/lvd

H.O.

I have been issued two (2) permits for the building of a 24'x24' garage. The first permit was issued 5/15/90 (B051396) for the foundation and concrete slab. Final inspection was on 8/1/90. The second permit was issued 7/18/91 (B099507) for the building of the garage. Upon beginning construction I noticed on the permit that there was a height restriction of 15'. I voluntarily stopped construction to apply for height variance.

92-88-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

September 9, 1991

887-3353

Terry and Caroline Bates
7130 Olivia Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 92-88-A
LOCATION: W/S Olivia Road, 29' W of c/l Boggy Road
7130 Olivia Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 15, 1991. The closing date is September 30, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]

G. G. Stephens
(301) 887-3391

October 4, 1991

I/we *[Signature]*, the neighbors of Terry and Caroline Bates am/are aware of and give consent to having a 24 x 24 foot garage with a maximum height of 20' being built on the property of 7130 Olivia Road.

Name *[Signature]*

Address *[Signature]*

Signature *[Signature]*

October 4, 1991

I/we Stephen T. Schepers, the neighbors of Terry and Caroline Bates am/are aware of and give consent to having a 24 x 24 foot garage with a maximum height of 20' being built on the property of 7130 Olivia Road.

Name Stephen T. Schepers

Address 7131 Olivia Road
Baltimore, MD 21220

Signature Stephen T. Schepers

October 4, 1991

I/we Sandy & Russell, the neighbors of Terry and Caroline Bates am/are aware of and give consent to having a 24 x 24 foot garage with a maximum height of 20' being built on the property of 7130 Olivia Road.

Name Sandy & Russell Schneider

Address 7131 Olivia Rd

Signature Sandy Schneider

October 4, 1991

I/we Robert LEE Urie Jr., the neighbors of Terry and Caroline Bates am/are aware of and give consent to having a 24 x 24 foot garage with a maximum height of 20' being built on the property of 7130 Olivia Road.

Name Robert LEE Urie Jr.

Address 7134 Olivia Rd.
Baltimore, MD 21220

Signature Robert Urie

October 4, 1991

I/we Ed Rogers, the neighbors of Terry and Caroline Bates am/are aware of and give consent to having a 24 x 24 foot garage with a maximum height of 20' being built on the property of 7130 Olivia Road.

Name Ed Rogers

Address 7128 Olivia Road
Baltimore, MD 21220

Signature Ed Rogers

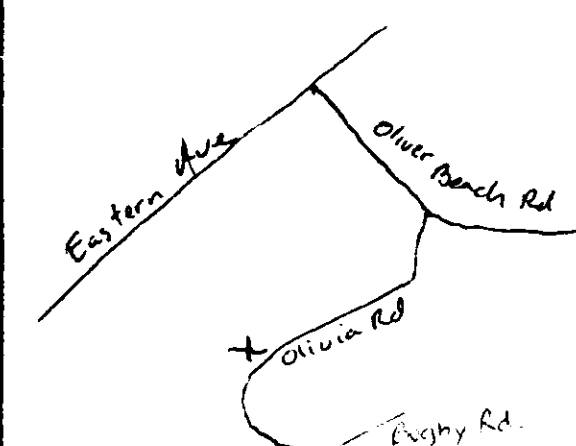
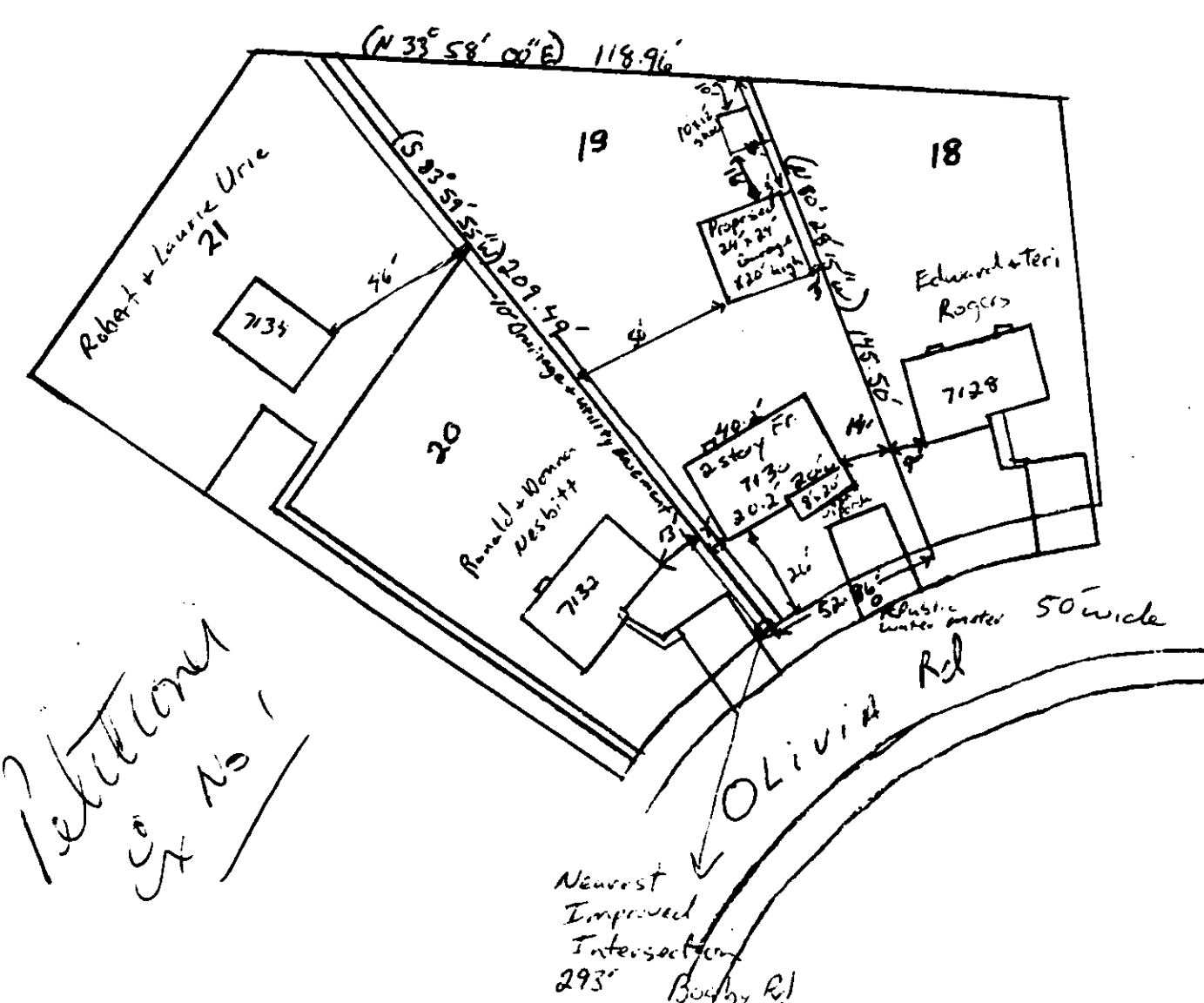
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7130 Olivia Rd Baltimore MD 21220

Subdivision name: Cunning Hill Cove
plat book # 44, folio # 19, lot # 19, section #

OWNER: Terry and Caroline Bates

see pages 5 & 6 of the CHECKLIST for additional required information



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 5TH
Election District: 15

1"=200' scale map#: Sheet N.E. 7th Howard
N.R. 5.5
Zoning: Sheet N.E. 7th Howard/Oliver Beach

Lot size: 3049 acreage 13285 square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

CAM 112

North
date: 8-29-91
prepared by: Terry Bates

92-88-A

Scale of Drawing: 1"= 50'

CASE NUMBER

92-88-A

PETITIONER'S EXHIBIT #



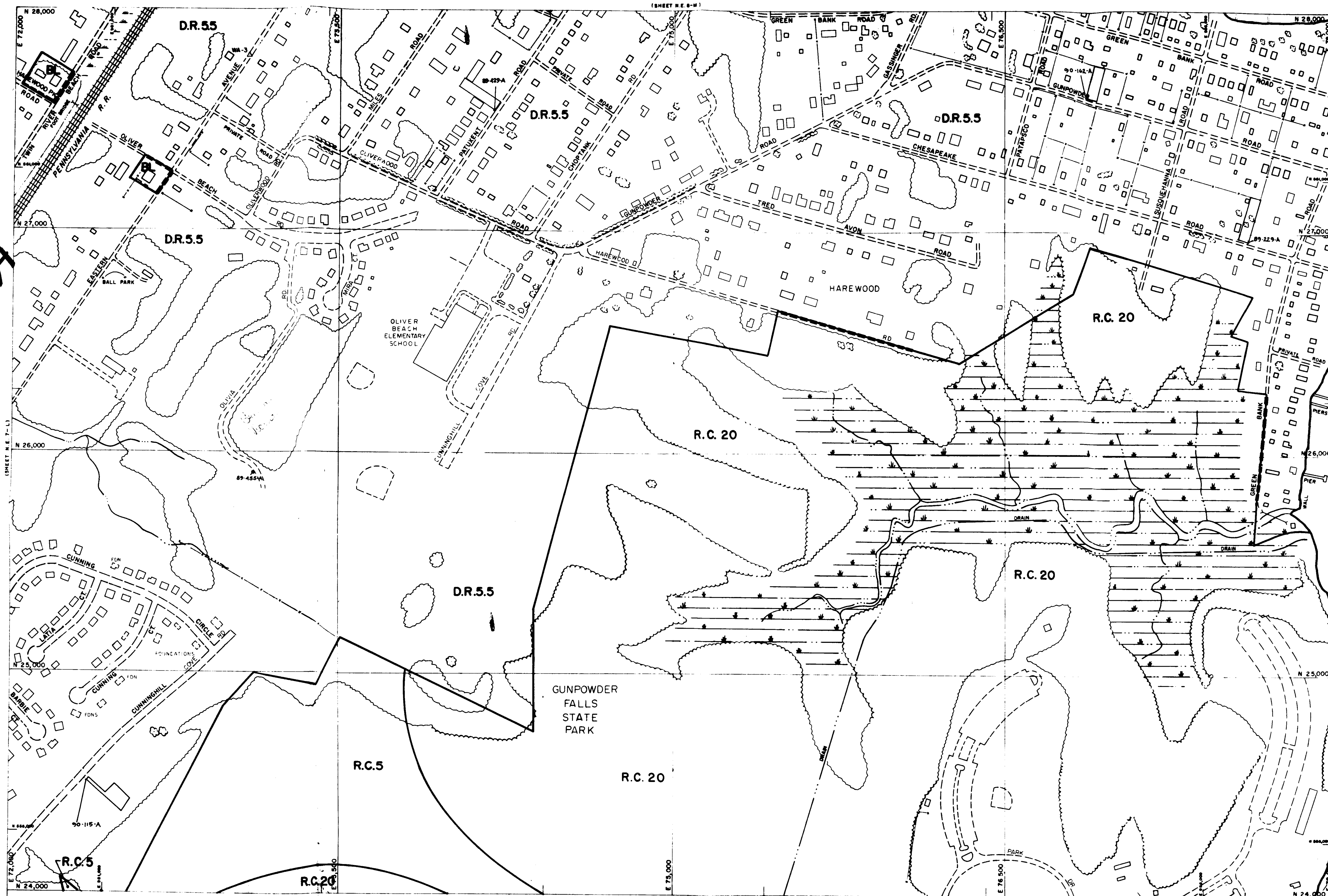
CASE NUMBER

92-88-A

PETITIONER'S EXHIBIT #



92-88-A



MM-SW MM-SE

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1986
Ord. Nos. 144-86, 145-86, 146-86, 147-86, 148-86, 149-86, 150-86
[Signature]
Charles County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HAREWOOD
OLIVER BEACH

SHEET
N. E.
7-M

97-88-76



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HAREWOOD
OLIVER BEACH

SHEET
NE
7-M